*American Nat'l Bank* (1906) 42 Tex. Civ. App. 167, 94 S. W. 439; but *cf. Montgomery* v. *Brown* (Pa. 1882) 1 Del. Co. Rep. 307. It would seem then that there is a strong equitable claim in the *bona fide* purchaser of the void bond to the quasi-contractual rights of the original holder against the city; and since the action against the city is legal in form and equitable in determining the extent of the city's liability, it would lead to fairer results to allow the *bona fide* purchaser to sue as equitable assignee, if he pleaded properly. That the *bona fide* purchaser has an adequate remedy against his vendor for money had and received, in which the measure of recovery is different from that of the original holder against the city, should not preclude him from this alternative remedy as equitable assignee. Our law has numerous instances of this alternative liability, as in the case of the *del credere* agent, see *Wallace* v. *Castle* (N. Y. 1878) 14 Hun 106, or of a bank with whom commercial paper has been deposited for collection. See *Mackersy* v. *Ramsays* (1843) 9 Clark & F. 818.

MUNICIPAL CORPORATIONS—REGULATION OF PUBLIC CEMETERIES.—A city ordinance forbade any person to dig, attend, or keep any grave in a public cemetery for compensation except under the direction and with the consent of the superintendent. *Held,* it was unreasonable to restrict the right of lot-owners to attend the grave to personal attention, and to give a subordinate official arbitrary authority to grant or deny permission to hired agents. *Ex parte Adlof* (Texas 1919) 215 S. W. 222.

An almost identical regulation was sustained in *Cedar Hill Cemetery Co.* v. *Lees* (1903) 22 Pa. Super. Ct. 405 as necessary to sustain a harmonious system in keeping the whole cemetery. This reasoning seems sound, and since the right to attend the grave is given because of the natural desire of relatives to thus express their feelings, *Ashby* v. *Harris* (1868) L. R. 3 C. P. 523, the distinction between principals and agents might be supported as an attempt to save the rights of those having other than pecuniary interest in the work. The rule is usually stated that a subordinate official can be given arbitrary power to grant or deny permission to engage in only those acts or occupations which might be prohibited altogether. See *Crowley* v. *Christensen* (1890) 137 U. S. 86, 94, 11 Sup. Ct. 13. But ordinances have been sustained where such consent was necessary to erect awnings, *Pedrick* v. *Bailey* (1858) 78 Mass. 161, speak in public parks, *Commonwealth* v. *Abrahams* (1892) 156 Mass. 57, 30 N. E. 79, erect any building, *Commissioners of Easton* v. *Covey* (1891) 74 Md. 262, 22 Atl. 266, remain in markets over twenty minutes, *Commonwealth* v. *Brooks* (1872) 109 Mass. 355, move buildings through public streets. *Wilson* v. *Eureka City* (1899) 173 U. S. 32, 19 Sup. Ct. 317. These acts would not appear to be ones that might be prohibited altogether. On the other hand ordinances have been held invalid where consent was necessary to hold parades, *Matter of Frazee* (1886) 63 Mich. 396, 30 N. W. 72, operate foundries, *etc.,* within city, *City of Montgomery* v. *West* (1907) 149 Ala. 311, 42 So. 1000, allow proprietor to enter saloon on Sunday, *Town of Newbern* v. *McCann* (1900) 105 Tenn. 159, 58 S. W. 114, maintain a laundry in a wooden building, *Yick Wo* v. *Hopkins* (1886) 118 U. S. 356, 6 Sup. Ct. 1064. The above-stated guiding rule would therefore seem to be only a useful phrase in clear cases; in others the court seems to exercise unlimited discretion on the question of reasonableness, and the principal case might well have been held either way.